

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
CMCG Puerto Rico License LLC)	Facility ID No. 26676
)	NAL/Acct. No. 0741420052
Permittee of WMEI(TV))	FRN: 0013990346
Arecibo, Puerto Rico)	

ORDER

Adopted: June 25, 2007

Released: June 26, 2007

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Media Bureau and CMCG Puerto Rico License LLC ("CMCGPR"). The Consent Decree resolves issues of whether CMCGPR complied with Section 1.17 of the Commission's Rules (the "Rules")¹ with regard to the truth and accuracy of the statements contained in its September 18, 2006, license application for Station WMEI(TV), Arecibo, Puerto Rico.

2. The Media Bureau and CMCGPR have negotiated the terms of a Consent Decree that resolves this matter. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree, we find that the public interest would be served by adopting the Consent Decree. We also conclude that there are no substantial or material questions of fact regarding CMCGPR's qualifications, including character qualifications, to remain a Commission licensee.

4. Accordingly, **IT IS ORDERED**, pursuant to Section 4(i) of the Communications Act of 1934, as amended,² and the authority delegated by Sections 0.61 and 0.283 of the Rules,³ that the attached Consent Decree **IS ADOPTED**.

5. **IT IS FURTHER ORDERED** that the inquiry into the above-noted issues by the Media Bureau **IS TERMINATED**.

¹ 47 C.F.R. § 1.17.

² 47 U.S.C. § 154(i).

³ 47 C.F.R. §§ 0.61, 0.283.

6. **IT IS FURTHER ORDERED** that copies of this Order and Consent Decree shall be sent by regular first class mail and certified mail - return receipt requested to CMCG Puerto Rico License LLC, 900 Laskin Road, Virginia Beach, Virginia 23451, and to its counsel, Erwin G. Krasnow, Esq., Garvey Schubert Barer, Fifth Floor, Flour Mill Building, 1000 Potomac Street NW, Washington, DC 20007.

FEDERAL COMMUNICATIONS COMMISSION

Monica Shah Desai
Chief, Media Bureau

CONSENT DECREE

I. INTRODUCTION

1. This Consent Decree is entered into by the Media Bureau of the Federal Communications Commission, and CMCG Puerto Rico License LLC, permittee of Station WMEI(TV), Arecibo, Puerto Rico, for the purpose of resolving certain issues that have arisen regarding possible violations by CMCG Puerto Rico License LLC of Section 1.17 of the Commission's Rules.

II. DEFINITIONS

2. For the Purposes of this Consent Decree, the following definitions shall apply:

- (a) "Act" means the Communications Act of 1934, as amended, U.S.C. Section 151 *et seq.*;
- (b) "Bureau" means the Media Bureau of the Federal Communications Commission;
- (c) "CMCGPR" or the "Company" means CMCG Puerto Rico License LLC;
- (d) "Effective Date" means the date on which the Bureau releases the Adopting Order;
- (e) "FCC" or "Commission" means the Federal Communications Commission;
- (f) "Inquiry" means the Bureau's investigation into potential violations of Section 1.17 of the Commission's rules, 47 C.F.R. § 1.17, by the Company in connection with the License Application;
- (g) "License Application" means the FCC Form 302-TV application filed by CMCGPR on September 18, 2006, for the Station (File No. BLCT-20060918AAO);
- (h) "Order" or "Adopting Order" means an order of the Bureau adopting the terms and conditions of this Consent Decree without change, addition, or modification;
- (i) "Parties" means CMCGPR and the Bureau;
- (j) "Rules" means the Commission's regulations set forth in Title 47 of the Code of Federal Regulations; and
- (k) "Station" or "WMEI" means Station WMEI(TV), Arecibo, Puerto Rico.

III. BACKGROUND

3. On September 18, 2006, the deadline for construction specified in the Station's construction permit, CMCGPR filed with the Commission the License Application. In response to Section II, Item 2, CMCGPR certified that all terms, conditions, and obligations set forth in that construction permit had been fully met. In response to Section III, Item 6, it certified that it had constructed the facility as authorized in that construction permit. Those certifications were without basis in fact. Section 1.17 of the Rules, 47 C.F.R. § 1.17, requires truthful and accurate statements to the Commission, including those contained in the License Application.

4. The Parties acknowledge that any proceeding that might result from the Inquiry would be time consuming and require substantial expenditure of public and private resources. In order to conserve such resources, to resolve the Inquiry, and to promote future compliance by CMCGPR with Section 1.17 of the Rules, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

IV. AGREEMENT

5. CMCGPR agrees that the Bureau has jurisdiction over it and the subject matter contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

6. The Parties agree that the relevant portion of the Section II (Legal) of the License Application contains the following certification by the officer who signed it on behalf of CMCGPR: "the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations." CMCGPR acknowledges that the License Application contained certain factual assertions that were untrue and, accordingly, that the CMCGPR officer who signed the License Application on its behalf failed to exercise the requisite degree of care required under the Act, the Rules, pertinent precedent and the application form (FCC Form 302-TV) prior to so signing the License Application.

7. The Parties agree that this Consent Decree shall become effective on the Effective Date and shall have the same force and effect as any Commission order. Any violation of the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

8. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

9. As part of the Adopting Order, the Bureau shall terminate the Inquiry. From and after the Effective Date, in the absence of new information not previously disclosed to the Bureau by CMCGPR, the Bureau shall not, either on its own motion or in response to any petition, third-party objection, complaint, or other information, initiate any inquiries, investigations, forfeiture proceedings, hearings, or

other actions, formal or informal, against CMCGPR for the issues currently under investigation as part of the Inquiry.

10. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding regarding any compliance or noncompliance by CMCGPR with the requirements of the Act and the Rules. The Parties agree that this Consent Decree and CMCGPR's voluntary contribution are for settlement purposes only and do not constitute an admission, denial, adverse finding, adverse final action, adverse adjudication on the merits, or waiver of legal rights except as otherwise expressly set forth herein.

11. CMCGPR represents that it has conducted a thorough review of its application procedures and developed a comprehensive Compliance Plan to ensure its future compliance with 47 C.F.R. § 1.17. A summary of CMCGPR's Compliance Plan is attached hereto. CMCGPR agrees to implement its Compliance Plan, to the extent it has not already done so, within thirty (30) days of the Effective Date and to keep such Compliance Plan in effect for three (3) years after the Effective Date.

12. In accordance with the terms of this Consent Decree, CMCGPR will make a voluntary contribution to the United States Treasury without further protest or recourse to a trial *de novo*, in the amount of Seventy-five Thousand Dollars (\$75,000.00) within thirty (30) calendar days after the Effective Date. CMCGPR must make this payment by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN referenced above. Payment by check or money order may be mailed to Federal Communications Commission, at P.O. Box 358340, Pittsburgh, Pennsylvania 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, Pennsylvania 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6229, pursuant to Commission procedures for wire transfers.

13. CMCGPR's decision to enter into this Consent Decree is expressly contingent upon the Bureau's issuance of an Order that is consistent with this Consent Decree, and which adopts the Consent Decree without change, addition or modification.

14. CMCGPR waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Order, provided the Bureau issues an Order adopting the Consent Decree without change, addition or modification.

15. CMCGPR agrees to be legally bound by the terms and conditions of this Consent Decree. CMCGPR represents and warrants that its signatory is duly authorized to enter into this Consent Decree on its behalf.

16. CMCGPR agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. Section 504 and 47 C.F.R. Section 1.1501 *et seq.*, relating to the matters discussed in this Consent Decree. If the Commission, or the United States on its behalf, brings a judicial action to enforce the terms of the Order or this Consent Decree, or both, CMCGPR will not contest the validity of this Consent Decree or Order, and will waive any statutory right to a trial *de novo*. If CMCGPR brings a judicial action to enforce the terms of the Order or this Consent Decree, or both, the Commission will not contest the validity of this Consent Decree or the Order.

17. In the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, this Consent Decree shall become null and void and may not be used in any manner in any legal

proceeding.

18. This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

For the Federal Communications Commission,
Media Bureau

For CMCG Puerto Rico License LLC

By: _____
Monica Shah Desai
Chief

By: _____
David J. Wilhelm
Vice President
CMCG Puerto Rico LLC
Its Manager

Date

Date

SUMMARY OF COMPLIANCE PLAN

CMCGPR is designing and implementing a compliance system in connection with its preparation, certification and filing of FCC license applications, as more specifically described below.

- 1. Leadership and Management Commitment.** CMCGPR will designate a Compliance System Officer (“CSO”) who is the Officer of CMCGPR who will sign all of the Company’s applications to the Commission on behalf of the Company. The CSO will receive training from communications counsel for the Company as to the absolute need, before so signing any such application, to independently ascertain that all representations contained therein are true, complete and correct. The CSO will also be responsible for the design, implementation, and continuous improvement of the system to ensure accuracy and completeness of all such Company applications.
- 2. Employee Ownership.** Only those employees who are authorized by the CSO and their supervisor will be permitted to assist in the preparation of Company FCC applications.
- 3. Risk Assessment and Change Management.** The CSO will be responsible for monitoring and responding to changes in the business that may impact this compliance system. Examples of such changes are the resignation or reassignment of the CSO, the Company’s acquisition of new businesses that results in the need for it to acquire FCC licenses, or changes in the Commission’s regulations.
- 4. Continuous Improvement.** The CSO will be responsible for making an annual assessment of the compliance system to confirm: (a) that the system is being used by those officers and employees whose actions may impact the company’s compliance with Commission regulations; and (b) that the system is effective in ensuring the accuracy and completeness of all Company FCC applications. The CSO will promptly address any shortcomings in the system detected through these annual assessments.